

ORDINANCE NO. _____

An ORDINANCE relating to residential infill development, deleting a Clark County Code (CCC) Section 18.406.020 (Q) and Table 18.406.020 (Q), adopting a new CCC 18.406.020 (Q), Infill Ordinance and amending CCC 12.05A.050, Table 12.05A.120-3, 12.05A.660, 12.41.090, 13.29.210 (A)(7), 12.29.305, 18.406.020 (S), Table 18.307.060, Table 18.308.060

WHEREAS, Clark County Board of Commissioners, on September 13, 2000 suspended CCC 18.406.020(Q), and on October 31, 2000 (Ordinance 2000-09-07) and October 2, 2001, (Ordinance 2001-10-01) and March 26, 2002 (Ordinance 2002-03-18) heard public testimony on the infill ordinance suspension [CCC 18.406.020 (Q)], and extended the extension through September 30, 2002; and

WHEREAS, the Clark County Board of Commissioners appointed a task force to draft a new infill ordinance with both incentives and neighborhood compatibility standards to encourage development of small by-passed urban parcels; and

WHEREAS, the Board finds that the infill ordinance adopted herein, complete with conforming amendments to other chapters of the Clark County Code, sufficiently addresses the issues of neighborhood compatibility and provides for incentives through the regulatory process; and

WHEREAS, the new section CCC 18.406.020 (Q) and conforming amendments included with this resolution as Attachments A and B and as noted herein, were reviewed in public hearings held on January 31, February 21 and February 28, 2002 and recommended for adoption by the Clark County Planning Commission; and

WHEREAS, the Board of County Commissioners considered this recommendation action at a duly advertised public hearings held on March 19, July 23, August 13 and August 20, 2002, ; and

WHEREAS, the Board of County Commissioners determined that monitoring and review of infill development should take place in a work session twelve months from the date of adoption; now, therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:

Section 1. Repeal Existing Subsection 18.406.020 (Q) and Table 18.406.020 (Q) are repealed in their entirety.

Section 2. New Section A new Subsection CCC 18.406.020 (Q), is hereby adopted as written in Attachment A, hereto

Section 3. Amendatory. Subsection CCC 18.406.020 (S), Zero Lot Line Developments is amended to read:

These developments are allowed in R1-5 and R1-6 districts, or in connection with in-fill developments. The planning director shall find that the following conditions exist before any building permit is issued for zero lot line developments.

1. All zero lot line developments, except duplexes, ~~and~~ or land divisions or developments processed pursuant to 18.406.020 (Q), Infill Ordinance, are subject to site plan approval.

2. The setback on the adjacent lot to the zero setback side yard lot shall be either zero or at least ten (10) feet.

3. Notations on the plat and covenants running with the land, approved by the county prosecutor, shall guarantee that opposite side yard setbacks of not less than ten (10) feet shall be kept perpetually free of obstructions.

Section 4. Amendatory. CCC Tables 18. 307.060 and 308.060 are amended as follows:

Table 18.307.060 Notes at bottom of table:

1. The maximum and minimum density listed is for the purpose of calculating the maximum densities for planned unit ~~and in-fill~~ developments; PROVIDED, however, the maximum densities allowed will be dependent upon the site characteristics, adjacent land uses, etc.
2. Subject to the provisions of Chapter 18.411 and the maximum ten percent (10%) variation of numerical standards, as approved by the planning director.

Table 18.308.060 Notes at bottom of table:

1. The maximum and minimum density listed is for the purpose of calculating densities for planned unit ~~and in-fill~~ developments; PROVIDED, however, densities shall be calculated based on the gross area of the site minus any public road right-of-way.
2. Subject to the provisions of Chapter 18.411 and the variance procedures.

Section 5. Amendatory. CCC 12.05A.050, Functional Road Classifications – UrbanRoads, is amended to read:

Urban roads are classified as outlined below:...

(3) Access Roads....

(g) Infill A Roadway. "Infill A roadway" is a twenty (20) foot public or private roadway within a minimum twenty-five (25) foot easement used to serve up to eight (8) ~~dwelling units lots~~ in an infill development ~~where full width roads are impracticable to develop~~. Parking is not allowed.

(h) Infill B Private Roadway. "Infill B private roadway" is a twelve (12) foot roadway within a minimum twenty (20) foot private easement for a maximum of 150 feet in length used to serve a maximum four (4) ~~dwelling units lots~~ where public roads are impracticable to develop. Parking is not allowed.

Section 6. Amendatory. CCC Table 12.05A.120-3 is amended as shown in Attachment B, hereto.

Section 7. Amendatory. CCC 12.05A.660, Road Modifications, is amended by adding a new Subsection (5) to read:

- (5) Infill Road Modifications. In order to encourage and facilitate infill development, the following road standards may be considered for administrative road modification for residential infill developments pursuant to CCC 18.406.020 (Q).

(a) Partial or full frontage improvements, if consistent with existing or anticipated neighborhood roadways. For purposes of this subsection, neighborhood roadways shall mean non-arterial and non-collector roadways providing access to, and located within, 800 feet of the infill development; and/or

(b) Access spacing, if there is no identifiable safety hazard.

Section 8. Amendatory. CCC 13.29.210, Stormwater Exemptions and Exceptions, is amended as follows:

- A. Exemptions shall be granted for the following conditions:
1. Commercial agricultural, and forest practices regulated under Title 222 WAC, except for Class IV General Forest Practices that are conversions from timber land to other uses, are exempt from the provisions of the minimum requirements. All other new development is subject to the minimum requirements;
 2. Normal landscape maintenance activities and gardening;
 3. Land-disturbing activities of less than one (1) acre that do not result in additional impervious surface are exempt from Section 13.29.305 (Water Quality) and Section 13.29.310 (Quantity Control);
 4. Temporary portable school buildings are exempt from Section 13.29.305 (Water Quality) and Section 13.29.310 (Quantity Control) provided the buildings utilize roof downspout systems to infiltrate roof runoff. A final stormwater design that addresses disposal of stormwater shall be required;
 5. The construction of single-family homes, duplexes, and their accessory structures may be exempted from Section 13.29.305 (Water Quality), Section 13.29.310 (Quantity Control), and subsection D (Conveyance Systems) of Section 13.29.310, provided the following conditions are met:
 - a. The development site or parcel is included in an approved stormwater facility system meeting the requirements of this chapter,
 - b. The system provides for detention or retention of runoff from residential lots, and
 - c. An erosion control plan is prepared and implemented;
 6. Drainage projects that are not a part of a development activity or redevelopment under subsection C of Section 13.29.305 are exempt from Section 13.29.305 (Water Quality) and the director may waive all or parts of Article V (Submittal Requirements), Section 13.29.340 (Maintenance and Ownership), and Section 13.29.350 (Bonds and Insurance) if the project meets the other appropriate parts of this chapter;
 7. Small residential projects that create less than two thousand (2,000) square feet of new impervious surface in urban areas and 5,000 square feet in rural areas, and Infill projects that meet the eligibility requirements of CCC 18.406.020.Q.2(a). that create less than five thousand (5,000) square feet of new impervious surface are exempt from Section 13.29.305 (Water Quality) and Section 13.29.310 (Quantity Control). Houses that utilize roof downspout systems to infiltrate roof runoff may be deducted from area calculations. A final stormwater plan is required if stormwater is conveyed off site. The submittal requirements (Article V of this chapter) for small residential projects are modified as follows:
 - a. An abbreviated preliminary stormwater plan as outlined in Section 13.29.510 can be substituted for the preliminary stormwater plan,
 - b. A Technical Information Report (subsection D of Section 13.29.530) shall not be required. However, sufficient information and data shall be provided with the final stormwater plan to allow the director to determine conformance with the applicable provisions of this chapter;
 8. Government Agency Projects. Development activities and drainage projects undertaken by governmental agencies are exempt from Section

13.29.350 (Bonds and Insurance);

9. A preliminary stormwater plan is not required when a development is already provided for in a previously approved plan.

B. Exceptions to the requirements of this chapter may be granted prior to permit approval and construction. An exception may be granted following a public hearing, provided that a written finding of fact is prepared, that addresses the following:

1. The exception provides equivalent environmental protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met;
2. That there are special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the parcel of land in question, and every effort to find creative ways to meet the intent of the requirements has been made;
3. That the granting of the exception will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
4. The exception is the least possible exception that could be granted to comply with the intent of this chapter.

Prior to commencing construction, the applicant must show that no sediment can be transported from the site. No degradation of the environment or drainage facilities may result from the proposed activity, even in the absence of BMP's. Criteria for approval are non-erodible soils, runoff discharges to a temporary infiltration device, or runoff discharges to an on-site closed depression.

C. Other.

1. Construction Tolerances. The director may approve deviations of up to ten percent (10%) from an approved design utilizing a Type I procedure upon findings that water quality, water quantity control, and maintainability are not affected.
2. The director may require the revision of a previously approved preliminary or final stormwater control plan utilizing a Type I post-decision review whenever the applicant proposes a modification to the previously approved activity that creates additional impacts. (Sec. 2 (Exh. A) of Ord. 2000-07-34)

Section 10. Amendatory. CCC 13.29.305, Water Quality Standards, is amended to read:.

I. Experimental BMPs.

1. Experimental best management practices are those which have not been fully tested and evaluated by the county or the Department of Ecology and are not included as accepted practices in this code or the BMP Manual. Experimental BMPs that are adequately tested and proven effective shall be incorporated into this chapter as standard or accepted BMPs in the future.
2. Experimental BMPs may be allowed if all the following conditions are met:
 - a. The experimental BMP usage is part of a Department of Ecology or Clark County research project;
 - b. Monitoring of the effluent quality produced by the BMP, as well as influent quality, will be conducted for at least two (2) years;
 - c. Results of the research will be published;
 - d. Financing is available to construct the BMP, conduct the testing and publish the results.

3. The director may approve use of alternative water quantity and/or water quality treatment devices that are acceptable for projects meeting the eligibility requirements of CCC 18.406.020.Q.2.a). with evidence from the applicant that water quality, water quantity control, and maintainability are not affected.

Section 11. Severability. If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 12. Effective Date This ordinance shall go into effect at 12:01 AM on October 1, 2002.

Section 13. Instructions to Clerk. The Clerk to the Board shall:

(1) Transmit a copy of this ordinance to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106.

(2) Record a copy of this ordinance with the Clark County Auditor.

(3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 37.70A.290.

ADOPTED this ____ day of _____, 2002.

Attest:

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Clerk to the Board

By: _____
Judie Stanton, Chair

Approved as to Form Only
ARTHUR D. CURTIS
Prosecuting Attorney

By: _____
Betty Sue Morris, Commissioner

By: _____
Richard S. Lowry
Deputy Prosecuting Attorney

By: _____
Craig Pridemore, Commissioner

Attachment B

TABLE 12.05A.120-3 DESIGN CRITERIA FOR URBAN ACCESS ROADS

Design Criteria	<i>Neighborhood Circulator Drawing 13</i>	Local Residential Access <i>Drawing 14</i>	Residential Loop <i>Drawing 15</i>	Cul-de-Sac¹ <i>Drawing 15&28</i>	Short Cul-de-Sac² <i>Drawing 16&29</i>	Alley³ <i>Drawing 19</i>	Infill A Roadway <i>Drawing 18</i>	Infill B Private Roadway <i>Drawing 18</i>
<i>Minimum Right-of-Way (ft.)</i>	54	46	46	46	42	26	25	20
<i>Lane width (ft.)</i>	2 lanes 10 ft. ea.	1 lane 12 ft. ea.	1 lane 10 ft. ea.	1 lane 10 ft. ea.	1 lane 10 ft. ea.	1 lane 20 ft. ea.	2 lanes 10 ft. ea.	1 lane 12 ft. ea.
<i>Parking lane width (ft.) one or both sides</i>	8 both sides	8 both sides	8 both sides	8 both sides	7 both sides	N/A N/A	N/A N/A	N/A N/A
<i>Roadway Width (ft.)⁵</i>	36	28	26	26	24	20	20	12
<i>Design Speed (MPH)</i>	25	25	25	25	25	N/A	N/A	N/A
<i>Maximum Grade (%)</i>	15	15	18	18	18	18	18	18
<i>Minimum centerline radius (ft.)</i>	150	70 ⁶	70 ⁶	70 ⁶	70 ⁶	N/A	N/A	N/A
<i>Maximum number of Houses</i>	300	150	100	NA	18	N/A	8 <u>Lots</u>	4 <u>Lots</u> (150' maximum length)
<i>Sidewalks (both Sides) (ft.)</i>	5	5	5	5	5	N/A	N/A	N/A
<i>Curb and Gutter⁸</i>	18 in. C&G	18 in. C&G	18 in. C&G	18 in. C&G	18 in. C&G	N/A	N/A	N/A
<i>Minimum intersection curb return radii (ft.)⁹</i>	25	25	20	20	20	N/A	N/A	N/A
<i>Min. Full Access Intersection spacing (ft.)¹⁰</i>	150	100	100	100	100	100	N/A	N/A
<i>Public/Private</i>	Public	Public	Public	Public	Public	Public	Public/Private	Private Public
<i>Frontage access</i>	Yes	Yes	Yes	Yes	Yes	N/A	N/A	N/A

Footnotes to Table 12.05A.120-3

- 1 Cul-de-sac minimum R/W radius is 50 ft. with a constructed 45 ft. radius-OR-minimum R/W radius is 40 ft. with constructed 35 ft. radius and rolled curb and gutter with thickened sidewalk construction in accordance with a standard drawing provided by the county engineer.
- 2 Short cul-de-sac minimum R/W is 35-ft. radius with a constructed 30-ft. radius.
- 3 Twenty foot unobstructed width.
- 4 Director of public works may approve the use of public infill standards for new subdivisions with design limitations or peculiar terrain or parcel configuration when constructed with Portland cement concrete.
- 5 Neighborhood circulator includes two (2) eight-foot parking lanes.
- 6 Except for where the curb is between 80-110 degrees, a minimum 35-ft. radius may be used.
- 7 All stubbed public roads greater than 150 ft. serving four or more lots shall provide a 45-ft. minimum radius temporary turnaround or other approved turnaround.
- 8 Vertical curb and rolled curb also acceptable.
- 9 Intersections with arterials require 35-foot radii.
- 10 Ten (10) foot maximum off-set may be allowed.
11. Infill Developments Only: Infill Road A and Infill Private Road B standards may be used in lieu of Alley standards pursuant to CCC 18.406.020.Q.9(e)(v).